

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Part 90 of the Commission's Rules)	
and Policies for Applications and Licensing of Low)	WT Docket No. 01-146
Power Operations in the Private Land Mobile)	
Radio 450-470 MHz Band)	

REPLY COMMENTS
OF
THE LAND MOBILE COMMUNICATIONS COUNCIL

The Land Mobile Communications Council ("LMCC"), pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, hereby respectfully submits its Reply Comments in the above-captioned proceeding.¹

Group B Frequencies

In its opening Comments LMCC observed that continuous data transmission requires a protected service area ("PSA"), but that the Commission's Rules do not currently provide for single-channel PSAs. LMCC went on to suggest that a PSA for a continuous data channel should be permitted only where the applicant proposes to use spectrally efficient, narrowband (12.5 kHz or better) technology; and that LMCC intended to develop coordination guidelines for such operations, guidelines which would later be presented to the Commission for its consideration. Finally, LMCC suggested that primary data operation should be allowed during the interim only on a base-mobile or

¹ The Association of American Railroads is in general agreement with these Reply Comments, but will be filing separate Reply Comments to emphasize certain points that are important to the railroad industry's potential use of the channels which are the subject of this proceeding. PCIA and UTC oppose the filing of

point-to-point fixed basis. LMCC further urged that mobile-only data operations be prohibited, with voice operation allowed on a secondary basis.

Certain parties have urged positions which could jeopardize the utility of the Group B channels for their intended purpose, i.e. for low power, coordinated, data communications such as in-plant, remote control of heavy machinery, overhead cranes, locomotives, and the like -- operations which have important safety implications. For example, Enalasys Corporation urges that itinerant, nationwide operation be permitted;² Trimble Navigation Limited (“Trimble”) urges that Group B frequencies should be data-only,³ and that these frequencies should be open to all users, public safety as well as Industrial/Business (*id.* at 3-5); and AES Corporation urges the Commission to set aside certain of the Group B frequencies for secondary, uncoordinated data use (*id.* at 4-6). United Telecom Council (“UTC”) and Motorola, Inc., for their parts, suggest criteria that could be used for PSAs for continuous carrier data operations (UTC at 7-9; Motorola at 3-5).

LMCC continues to urge that the PSA issues be deferred. While some commenters have suggested criteria for coordinating continuous data channels, this is not an issue which coordinators have had a chance to consider and discuss with an eye toward formulating consensus standards. Thus, it is premature to attempt to resolve the data channel PSA issue in this proceeding. Deferral is particularly appropriate inasmuch as the Commission has relied upon coordinators, represented by LMCC, throughout re-farming to develop policy recommendations and coordination protocols for presentation

these Reply Comments.

² Pacific Crest suggests that the Commission’s proposal contemplates itinerant, non-coordinated use of Group B frequencies (*id.* at 4).

³ Dataradio Cor Ltd. likewise urges data-only for Group B. Comments at 9-10.

to the agency. The low power plan which is the subject of this very rulemaking is perhaps the best example of this. Thus, the Commission should defer consideration of this issue to a further proceeding.⁴

Insofar as the data-only comments (Trimble and Dataradio) are concerned, LMCC would suggest again that it is important that secondary voice operations be permitted. Proper frequency coordination can minimize the risk of interference between data and voice users. Moreover, prohibiting secondary voice on Group B frequencies would be wasteful inasmuch as it would require users to license a second channel, or even require the use of two radios. As long as voice operations are limited by rule to communications ancillary to the primary data traffic, it would serve spectrum efficiency to allow secondary voice.⁵

Power Designations

LMCC expressed the position in its initial comments that the appropriate measurement tool for defining maximum power for mobile units is *both* Transmitter Output Power (“TPO”) and Effective Radiated Power (“ERP”). LMCC pointed out that adoption of a dual standard would provide maximum user flexibility by allowing licensees to comply with the rule through the use of a variety of radios *or* gain antennas. Further, LMCC based its position on the real-world factor that the maximum ERP

⁴ Indeed, there having been no prior notice that the Commission intended to consider PSAs for Group B channels, it is questionable whether it would even be legally permissible to attempt to resolve the issue at this time. 5 U.S.C. Section 553(b); see e.g., United Steelworkers of America v. Schuylkill Metals Corp., 828 F.2d 314, 317-318 (5th Cir. 1987); Kooritzky v. Reich, 17 F.3d 1509, 1513 (D.C. Cir. 1994) (proposed rule must fairly apprise interested parties of the issues being considered; final rule must at least be a logical outgrowth of proposed rule).

⁵ There is no basis for opening Group B to all users, public safety and non-public safety, as suggested by Trimble. Public safety representatives participated in the formulation of LMCC’s low power plan, and have expressed no reservations about the channel split recommended therein. Likewise, the suggestions by AES/Enalasys that Group B frequencies be uncoordinated, or itinerant operations allowed, are without merit: The safety implications associated with industrial use of these frequencies precludes

achievable with a two watt mobile unit and a gain antenna typically available on the market at the present time is six watts ERP. Thus LMCC recommended a maximum limitation of both five watts TPO and six watts ERP for Group A, B, and C frequencies. We reiterate our support for this position and note that it is supported by a number of commentors including the American Mobile Telecommunications Association (“AMTA”)(Comments at 3), the Industrial Telecommunications Association (“ITA”)(Comments at 3), the Personal Communications Industry Association (“PCIA”)(Comments at 2) and UTC(Comments at 3). While other parochial views regarding power restrictions were expressed by some commentors, LMCC notes that from the inception of its Low Power Proposal the Council has endeavored to accommodate the wide spectrum of low power requirements of its varied member constituencies. We believe adoption of TPO and ERP restrictions as proposed by LMCC best meets the needs of most licensees. Additionally, the dual restriction will serve to address any future equipment developments that may produce ERPs in excess of the presently achievable six watts.

Medical Telemetry Use on Group C Frequencies

LMCC continues to oppose the Commission’s proposal to prohibit the non-coordinated use of ten Group C frequencies until the close of the medical telemetry migration window in October 2003. Medical telemetry licensees have shared these low power offset frequencies with a wide variety of private land mobile users for well over 20 years. The position they find themselves in today is no different than it has been at any time in the past; they are subject to no more or no less interference. The ERP levels recommended by LMCC for Group C frequencies are already presently achievable in the

uncoordinated/itinerant operations.

existing operating environment. At the very least, the Commission should strongly reject the request to extend the migration window beyond the October 2003 deadline as requested by some commentors.⁶ The arguments presented by those commentors were already considered during the WMTS rulemaking⁷ and were rejected by the Commission. As the Commission stated in that Report and Order, “We find that a five-year transition period is longer than is necessary to prepare for the lifting of the freeze in the 460-470 MHz band. The freeze was announced almost five years ago, so hospitals have been on notice that they may eventually have to change frequencies. Equipment is already available to operate in the 608-614 MHz band we are allocating in this proceeding, and equipment to operate in the other bands allocated in this proceeding should become available over the next two years. Five more years should not be required for hospitals to make the transition.”⁸

Group D Frequencies

LMCC opposes the suggestion of Hexagram, Inc. (at p. 9 of its Comments) that the Group D frequencies be made available for non-central station use. The small number of Group D frequencies are used by central stations that have been approved by recognized standards organizations (such as Underwriter’s Laboratory), for the purpose of providing alarm protection services to the public. This includes detection of fires, burglaries and medical emergencies, and the protection is provided to individuals, homes, businesses, factories, and government buildings, including many of the places that are in a state of heightened alert in the wake of recent terrorist attacks. Because of the safety

⁶ See Comments of Allina Health Systems, Cook County Hospital.

⁷ See, Amendment of Parts 2 and 95 of the Commission’s Rules to Create a Wireless Medical Telemetry Service, ET Docket 99-255, PR Docket 92-235, *Report and Order*, FCC 00-211 Rel. June 12, 2000.

⁸ Id at 65

implications, for reasons similar to LMCC's concerns about opening up the Group B frequencies to all users, LMCC recommends maintaining the current restrictions on use of Group D frequencies.

CONCLUSION

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

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